ORDINANCE NO. 3931

AN ORDINANCE of the City Council of the City of Kent, Washington, repealing Ordinance No. 3458 and adopting a new Shoreline Master Program to be approved by the Washington State Department of Ecology; and further amending the City of Kent's Comprehensive Plan to include the goals and policies of the updated Shoreline Master Program as the Shoreline Element of the Comprehensive Plan and making other Comprehensive Plan amendments in accord with the updated Shoreline Master Program.

RECITALS

A. The Washington State Legislature has mandated that the City of Kent update its Shoreline Master Program (SMP) pursuant to the Shoreline Management Act, Chapter 90.58 RCW, and the Shoreline Master Program Guidelines, WAC 173-26.

B. The Shoreline Management Act is a cooperative program between local governments and the state, and is administered by the Washington State Department of Ecology, who must review and approve all SMPs. SMP's govern properties 200 feet landward of each shoreline's ordinary high water mark and are intended to balance use and protection of shorelines. Shorelines consist of lakes greater than 20 acres in size as

well as streams and rivers with flows greater than 20 cubic feet per second.

C. The Growth Management Act in RCW 36.70A.480 provides that the goals and policies of a local SMP shall be considered an element of a local government's comprehensive plan. Comprehensive plans are allowed to be amended outside of the annual amendment process if the amendment is the adoption or amendment of an SMP, as we have in this case.

D. The City's State Environmental Policy Act (SEPA) responsible official issued a Determination of Nonsignificance on July 18, 2009 for this update to the SMP and amendment to the Comprehensive Plan. A draft version of the SMP update was also submitted to the Washington State Department of Community, Trade, and Economic Development on May 29, 2009. The 60 day notification period, per RCW 36.70A.106, has now lapsed.

E. The SMP update has involved extensive public participation. Such participation included formation of a Citizens' Advisory Committee that met monthly with staff to review the draft SMP; a Lake Meridian community meeting on June 9, 2008; two public open houses on October 2, 2008 and February 9, 2009; and solicitation of comments from parties of record, agencies, interest groups, tribes and adjacent jurisdictions. The Land Use and Planning Board discussed the SMP at its workshops on February 25, 2008, February 9 and June 22, 2009. The Board also held public hearings on July 27 and August 10, 2009. The Planning and Economic Development Committee considered the SMP at meetings on March 10, 2008; February 9, July 13, and August 24, 2009.

F. The Shoreline Management Act authorizes the Department of Ecology to adopt, approve, amend and adjust the City's SMP.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

ORDINANCE

SECTION 1. – *Repealed*. Ordinance No. 3458 of the City of Kent, enacting a Shoreline Master Program, adopted on May 4, 1999, is hereby repealed.

SECTION 2. – *Adopt*. The City hereby approves and adopts the updated Shoreline Master Program as set forth in **Exhibit "A"** attached and incorporated by this reference.

SECTION 3 - *Amendment.* Pursuant to RCW 36.70A.480, the City of Kent Comprehensive Plan is hereby amended to replace, in its entirety, Appendix C, "1999 Kent Shoreline Master Program – Goals & Policies," with "Chapter 13, Shoreline Element," containing the policies of the updated Shoreline Master Program as set forth in **Exhibit "B"** attached and incorporated by this reference. The Comprehensive Plan is also amended as set forth in **Exhibit "C"** attached and incorporated herein to reflect provisions in the updated SMP such as the addition of water bodies to SMP jurisdiction.

SECTION 4. – *Savings*. The existing Shoreline Master Program, which is repealed and replaced by this ordinance, shall remain in full force and effect until the effective date of this ordinance.

SECTION 5. - *Severability*. If any one or more sections,

subsections, or sentences of this ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

SECTION 6. - *Effective Date*. The effective date of the approved Shoreline Master Program is dependent on approval by the Washington State Department of Ecology per WAC 173-26-120(7), but shall in no event be sooner than thirty (30) days from and after the date of passage of this ordinance.

SUZETTE COOKE, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY

PASSED: 15 day of September, 2009.

APPROVED: 15 day of September, 2009.

PUBLISHED: 19 day of September, 2009.

I hereby certify that this is a true copy of Ordinance No. 3931 _____ passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

Brenda Jacober (SEAL)
BRENDA JACOBER, CITY CLERK

EXHIBIT A

SHORELINE MASTER PROGRAM

EXHIBIT B

COMPREHENSIVE PLAN
CHAPTER 13 "SHORELINE ELEMENT"

CHAPTER THIRTEEN

SHORELINE ELEMENT

The City of Kent Shoreline Master Program (SMP) is a planning document that outlines goals and policies for the shorelines of the City, pursuant to the Shoreline Management Act, Chapter 90.58 RCW (SMA) and the Shoreline Guidelines (WAC 173-26) and also establishes regulations for development occurring within shoreline jurisdiction. The goals and policies associated with the SMP are summarized below.

The SMP addresses a broad range of uses that could be proposed in the shoreline area. This breadth is intended to ensure that the Kent shoreline area is protected from activities and uses that, if unmonitored, could be developed inappropriately and could cause damage to the ecological system of the shoreline, displace "preferred uses" as identified in Chapter 90.58 RCW, or cause the degradation of shoreline aesthetic values.

ENVIRONMENT DESIGNATION POLICIES

Pursuant to the Shoreline Guidelines, shorelines of the state that meet the criteria established in WAC 173-26-211 are given a shoreline environment designation. The purpose of the shoreline designation system is to ensure that land use, development, or other activity occurring within the designated shoreline jurisdiction is appropriate for that area and that consideration is given to the special requirements of that environment. Policies related to each environment designation are found below. The policies are numbered exactly as they are found in the SMP.

1. "Natural-Wetlands" (N-W) Environment

c. Management Policies

Uses

1. *Any use that would substantially degrade the ecological functions or natural character of the designated wetland area should be prohibited.*

2. *New land division, development or shoreline modification that would reduce the capability of the wetlands to perform normal ecological functions should not be allowed.*

3. *Uses that are consumptive of physical, visual, and biological resources should be prohibited.*

Access and Improvements

4. *Access may be permitted for scientific, historical, cultural, educational, and low-intensity water-oriented recreational purposes such as nature study that do not impact ecological functions, provided that no significant ecological impact on the area will result.*

5. *Physical alterations should only be considered when they serve to protect or enhance a significant, unique, or highly valued feature that might otherwise be degraded or destroyed or for public access where no significant ecological impacts would occur.*

Implementing Regulations

6. *The ecological resources in the Natural-Wetlands environment should be protected through the provisions in the Critical Areas section of this SMP.*

2. "High-Intensity" (H-I) Environment

c. Management Policies

Uses

1. *In regulating uses in the "High-Intensity" environment, first priority should be given to water-dependent uses. Second priority should be given to water-related and water-enjoyment uses. Given the fact that commercial navigation on the Green River is limited by the channel configuration, nonwater-oriented uses may be allowed on shorelands separated from the shoreline by other properties, such as the Green River Trail corridor, and where public access improvements and/or shoreline restoration is included as part of the development. Nonwater-oriented uses may also be permitted where water-dependent uses, public access, and shoreline restoration is infeasible, as determined by the City's Shoreline Administrator.*

   The City's Shoreline Administrator will consult the provisions of this SMP and determine the applicability and extent of ecological restoration and/or public access required. The extent of ecological restoration shall be that which is reasonable given the specific circumstances of development in the "High-Intensity" environment.

2. *Developments in the "High-Intensity" environment should be managed so that they enhance and maintain the shorelines for a variety of urban uses, with priority given to water-dependent, water-related, and water-enjoyment uses.*

Public Access and Aesthetics

3. *Existing public access ways should not be blocked or diminished.*

4. *Aesthetic objectives should be actively implemented by means such as sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative buffers. These objectives may be implemented either through this SMP or other City ordinances.*

5. *In order to make maximum use of the available shoreline resource and to accommodate future water-oriented uses, shoreline restoration and/or public access, the redevelopment and renewal of substandard, degraded, obsolete urban shoreline areas should be encouraged.*

3. "Urban Conservancy–Open Space" (UC-OS) Environment

c. Management Policies

Uses

1. *Water-oriented recreational uses should be given priority over nonwater-oriented uses. Water-dependent recreational uses should be given highest priority.*

2. *Commercial activities enhancing the public's enjoyment of publically accessible shorelines may be appropriate.*

3. *Water-dependent and water-enjoyment recreation facilities that do not deplete the resource over time, such as boating facilities, angling, wildlife viewing trails, and swimming beaches, are preferred uses, provided significant ecological impacts to the shoreline are avoided or mitigated.*

4. *Development that hinders natural channel movement in channel migration zones should not be allowed (refer to the Channel Migration Zone Map, Figure No. 10.2 in the Inventory and Analysis Report).*

Ecological Restoration and Public Access

3. *During development and redevelopment, all reasonable efforts, as determined by the City, should be taken to restore ecological functions.*

4. *Standards should be established for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications within the "Urban Conservancy-Open Space" designation to ensure that new development does not further degrade the shoreline and is consistent with an overall goal to improve ecological functions and habitat.*

5. *Public access and public recreation objectives should be implemented whenever feasible and significant ecological impacts can be mitigated.*

4. "Urban Conservancy–Low Intensity" (UC-LI) Environment

c. Management Policies

Uses

1. *Water-oriented uses should be given priority over nonwater-oriented uses. For shoreline areas adjacent to commercially navigable waters, water-dependent uses should be given highest priority.*
2. *Uses in the "Urban Conservancy–Low Intensity" environment should be limited to those which are non-consumptive (i.e., do not deplete over time) of the shoreline area's physical and biological resources and uses that do not substantially degrade ecological functions or the rural or natural character of the shoreline area. Shoreline habitat restoration and environmental enhancement are preferred uses.*

3. *Agricultural practices, when consistent with provisions of this chapter, may be allowed. Except as a Conditional Use, nonwater-oriented commercial and industrial uses should not be allowed.*

4. *Where allowed, commercial uses should include substantial shoreline restoration and public access.*

5. *Water-dependent and water-enjoyment recreation facilities that do not deplete the resource over time, such as boating facilities, angling, wildlife viewing trails, and swimming beaches, are preferred uses, provided significant ecological impacts to the shoreline are avoided or mitigated.*

6. *Developments and uses that would substantially degrade or permanently deplete habitat or the physical or biological resources of the area or inhibit stream movement in channel migration zones should not be allowed. (Refer to the Channel Migration Zone Map, Figure No. 10.2 in the Inventory and Analysis Report).*

Ecological Management and Restoration

7. *During development and redevelopment, all reasonable efforts should be taken to restore ecological functions. Where feasible, restoration should be required of all nonwater-dependent development on previously developed shorelines.*

   The City's Shoreline Administrator will consult the provisions of this SMP and determine the applicability and extent of ecological restoration required. The extent of ecological restoration shall be that which is reasonable given the specific circumstances of development in the "Urban Conservancy – Low Intensity" environment.

8. *Regulatory standards should be established for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications within the "Urban Conservancy-Low Intensity" designation to ensure that new development does not further degrade the shoreline and is consistent with an overall goal to improve ecological functions and habitat.*

9. *Where appropriate, standards for landscaping and visual quality should be included.*

Shoreline Modification and Development Impacts

10. *Construction of new structural shoreline stabilization and flood control works should not be allowed except where there is a documented need to protect public safety, an existing structure or ecological functions and mitigation is applied (See Chapter 4: Shoreline Modification Provisions). New development should be designed and located to preclude the need for structural shoreline stabilization or flood control.*

11. *Development of the area within shoreline jurisdiction should be limited to a maximum of 12 percent total impervious surface area, unless an alternative standard is developed based on scientific information that meets the provisions of this chapter and protects shoreline ecological functions.*

12. *New shoreline stabilization, flood control measures, vegetation removal, and other shoreline modifications should be designed and managed to ensure that the natural shoreline functions are protected and restored over time. Shoreline ecological restoration should be required of new nonwater-dependent development or redevelopment where the shoreline ecological functions have been degraded.*

13. *Activities or uses that would strip the shoreline of vegetative cover, cause substantial erosion or sedimentation, or adversely affect wildlife or aquatic life should be prohibited.*

14. *Preservation of ecological functions should be balanced with public access and recreation objectives and should have priority over development objectives whenever a conflict exists.*

5. "Shoreline Residential" (SR) Environment

c. Management Policies

Uses

1. *Commercial development should be limited to water-oriented uses and not conflict with the residential character of lands in the "Shoreline Residential" environment.*

2. *Water-oriented recreational uses should be allowed.*

3. *Adequate land area and services should be provided.*

4. *Land division and development should be permitted only 1) when adequate setbacks or buffers are provided to protect ecological functions and 2) where there is adequate access, water, sewage disposal, and utilities systems, and public services available and 3) where the environment can support the proposed use in a manner which protects or restores the ecological functions.*

5. *Development standards for setbacks or buffers, shoreline stabilization, vegetation conservation, critical area protection, and water quality should be established to protect and, where significant ecological degradation has occurred, restore ecological functions over time.*

6. *Multi-family development and subdivisions of land into more than four parcels should provide community access for residents of that development.*

7. *New residential development should be located and designed so that future shoreline stabilization is not required.*

6. "Aquatic" Environment

c. Management Policies

1. *New over-water structures should be prohibited except for water-dependent uses, public access, or ecological restoration.*

2. *The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use.*

3. *In order to reduce the impacts of shoreline development and increase effective use of water resources, multiple uses of over-water facilities should be encouraged.*

4. *Provisions for the "Aquatic" environment should be directed towards maintaining and restoring habitat for aquatic species.*

5. *Uses that cause significant ecological impacts to critical freshwater habitats should not be allowed. Where those uses are necessary to achieve the objectives of RCW 90.58.020, their impacts shall be mitigated according to the sequence defined in Chapter 3 Section B.4.*

6. *Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.*

7. *Abandoned and neglected structures that cause adverse visual impacts or are a hazard to public health, safety, and welfare should be removed or restored to a usable condition consistent with this SMP.*

GENERAL POLICIES

General policies are applicable to all uses and activities (regardless of shoreline environment designation) that may occur along the City's shorelines. General Provisions policies are found below. The policies are numbered exactly as they are found in the SMP.

1. Universally Applicable Policies and Regulations

b. Policies

1. *The City should periodically review conditions on the shoreline and conduct appropriate analysis to determine whether or not other actions are necessary to protect and restore the ecology to ensure no net loss of ecological functions, protect human health and safety, upgrade the visual qualities, and enhance residential and recreational uses on the City's shorelines. Specific issues to address in such evaluations include, but are not limited to:*

    a. *Water quality.*
    b. *Conservation of aquatic vegetation (control of noxious weeds and enhancement of vegetation that supports more desirable ecological and recreational conditions).*
    c. *Upland vegetation.*

d. *Changing visual character as a result of new residential development, including additions, and individual vegetation conservation practices.*
e. *Shoreline stabilization and modifications.*

2. *The City should keep records of all project review actions within shoreline jurisdiction, including shoreline permits and letters of exemption.*

3. *Where appropriate, the City should pursue the policies of this SMP in other land use, development permitting, public construction, and public health and safety activities. Specifically, such activities include, but are not limited to:*

    a. *Water quality and storm water management activities, including those outside shoreline jurisdiction but affecting the shorelines of the state.*
    b. *Aquatic vegetation management.*
    c. *Health and safety activities, especially those related to sanitary sewage.*
    d. *Public works and utilities development.*

4. *The City should involve affected federal, state, and tribal governments in the review process of shoreline applications.*

2. Archaeological and Historic Resources

b. Policies

1. *Due to the limited and irreplaceable nature of the resource, public or private uses, activities, and development should be prevented from destroying or damaging any site having historic, cultural, scientific or educational value as identified by the appropriate authorities and deemed worthy of protection and preservation.*

3. Critical Areas

Critical Areas in SMP jurisdiction are regulated under Kent's Critical Areas Regulations, Ordinance No. 3805 (08/15/06), codified under Chapter 11.06 KCC. The policies and goals for critical areas are found in section 11.06.020 KCC and in the Land Use Element: LU-21, LU-22 LU-25, LU-26, LU-27, and LU-28.

4. Environmental Impacts

b. Policies

1. *In implementing this SMP, the City should take necessary steps to ensure*

compliance with Chapter 43.21C RCW, the Washington State Environmental Policy Act of 1971, and its implementing guidelines.

2. *All significant adverse impacts to the shoreline should be avoided or, if that is not possible, minimized to the extent feasible and provide mitigation to ensure no net loss of ecological function.*

5. Flood Hazard Reduction and River Corridor Management

b. Policies

1. *The City should implement a comprehensive program to manage the City's riparian corridors that integrates the following City ordinances and activities:*

    a. *Regulations in this SMP.*
    b. *The City's Critical Area Regulations.*
    c. *The City's zoning code.*
    d. *The City's Drainage Master Plan, Surface Water Design Manual, and implementing regulations.*
    e. *The City's participation in the National Flood Insurance Program and compliance with the State's floodplain management law at Chapter 86.16. RCW.*
    f. *The construction or improvement of new public facilities, including roads, dikes, utilities, bridges, and other structures.*
    g. *The ecological restoration of selected shoreline areas.*

2. *In regulating development on shorelines within SMA jurisdiction, the City should endeavor to achieve the following:*

    a. *Maintenance of human safety.*
    b. *Protection and, where appropriate, the restoration of the physical integrity of the ecological system processes, including water and sediment transport and natural channel movement.*
    c. *Protection of water quality and natural groundwater movement.*
    d. *Protection of fish, vegetation, and other life forms and their habitat vital to the aquatic food chain.*
    e. *Protection of existing legal uses and legal development (including nonconforming development) unless the City determines relocation or abandonment of a use or structure is the only feasible option or that there is a compelling reason to the contrary based on public concern and the provisions of the SMA.*
    f. *Protection of recreation resources and aesthetic values, such as point and channel bars, islands, and other shore features and scenery.*

g. *When consistent with the provisions a. through f. above, provide for public access and recreation, consistent with Chapter 3 Section B.7.*

3. *The City should undertake flood hazard planning, where practical, in a coordinated manner among affected property owners and public agencies and consider entire drainage systems or sizable stretches of rivers, lakes, or marine shorelines. This planning should consider the off-site erosion and accretion or flood damage that might occur as a result of stabilization or protection structures or activities. Flood hazard management planning should fully employ nonstructural approaches to minimizing flood hazard to the extent feasible.*

4. *The City should give preference to and use nonstructural solutions over structural flood control devices wherever feasible, including prohibiting or limiting development in historically flood-prone areas, regulating structural design and limiting increases in peak storm water runoff from new upland development, public education, and land acquisition for additional flood storage. Structural solutions to reduce shoreline hazard should be allowed only after it is demonstrated that nonstructural solutions would not be able to reduce the hazard.*

   Where structural solutions are rebuilt, fish-friendly structures such as setback levees should be used. In the Lower Green River, every opportunity should be taken to set back levees and revetments to the maximum extent practicable.

5. *In designing publicly financed or subsidized works, the City should provide public pedestrian access to the shoreline for low-impact outdoor recreation.*

6. *The City should encourage the removal or breaching of dikes to provide greater wetland area for flood water storage and habitat; provided, such an action does not increase the risk of flood damage to existing human development.*

6. Parking

b. Policies

1. *Parking should be planned to achieve optimum use. Where possible, parking should serve more than one use (e.g. serving recreational use on weekends, commercial uses on weekdays).*

2. *Where feasible, parking for shoreline uses should be provided in areas outside shoreline jurisdiction.*

3. *Low-impact parking facilities, such as permeable pavements, are encouraged.*

7. Public Access

b. Policies

1. *Public access should be considered in the review of all private and public developments with the exception of the following:*

    a. *One- and two-family dwelling units; or*
    b. *Where deemed inappropriate due to health, safety and environmental concerns.*

2. *Developments, uses, and activities on or near the shoreline should not impair or detract from the public's access to the water or the rights of navigation.*

3. *Public access should be provided as close as possible to the water's edge without causing significant ecological impacts and should be designed in accordance with the Americans with Disabilities Act.*

4. *Opportunities for public access should be identified on publicly owned shorelines. Public access afforded by shoreline street ends, public utilities and rights-of-way should be preserved, maintained and enhanced.*

5. *Public access should be designed to provide for public safety and comfort and to minimize potential impacts to private property and individual privacy. There should be a physical separation or other means of clearly delineating public and private space in order to avoid unnecessary user conflict.*

6. *Public views from the shoreline upland areas should be enhanced and preserved. Enhancement of views should not be construed to mean excessive removal of existing native vegetation that partially impairs views.*

7. *Public access and interpretive displays should be provided as part of publicly funded restoration projects where significant ecological impacts can be avoided.*

8. *City parks, trails and public access facilities adjacent to shorelines should be maintained and enhanced in accordance with City and County plans.*

9. *Commercial and industrial waterfront development should be encouraged to provide a means for visual and pedestrian access to the shoreline area wherever feasible.*

10. *The acquisition of suitable upland shoreline properties to provide access to publicly owned shorelands should be encouraged.*

11. The City should acquire and develop waterfront property on Panther Lake, in the event of annexation, to provide public access to the shoreline.

8. Shorelines of State-Wide Significance

b. Policies

In implementing the objectives of RCW 90.58.020 for shorelines of statewide significance, the City will base decisions in preparing and administering this SMP on the following policies in order of priority, 1 being the highest and 6 being lowest.

1. *Recognize and protect the state-wide interest over local interest.*
    a. *Solicit comments and opinions from groups and individuals representing state-wide interests by circulating the SMP, and any proposed amendments affecting shorelines of state-wide significance, to state agencies, adjacent jurisdictions, citizen's advisory committees and local officials and state-wide interest groups.*
    b. *Recognize and take into account state agencies' policies, programs and recommendations in developing and administering use regulations and in approving shoreline permits.*
    c. *Solicit comments, opinions and advice from individuals with expertise in ecology and other scientific fields pertinent to shoreline management.*
2. *Preserve the natural character of the shoreline.*
    a. *Designate and administer shoreline environments and use regulations to protect and restore the ecology and environment of the shoreline as a result of man-made intrusions on shorelines.*
    b. *Upgrade and redevelop those areas where intensive development already exists in order to reduce adverse impact on the environment and to accommodate future growth rather than allowing high intensity uses to extend into low-intensity use or underdeveloped areas.*
    c. *Protect and restore existing diversity of vegetation and habitat values, wetlands and riparian corridors associated with shoreline areas.*
    d. *Protect and restore habitats for State-listed "priority species."*
3. *Support actions that result in long-term benefits over short-term benefits.*

a. *Evaluate the short-term economic gain or convenience of developments relative to the long-term and potentially costly impairments to the natural shoreline.*
b. *In general, preserve resources and values of shorelines of state-wide significance for future generations and restrict or prohibit development that would irretrievably damage shoreline resources.*

4. *Protect the resources and ecology of the shoreline.*

    a. *All shoreline development should be located, designed, constructed and managed to avoid disturbance of and minimize adverse impacts to wildlife resources, including spawning, nesting, rearing and habitat areas and migratory routes.*
    b. *Actively promote aesthetic considerations when contemplating new development, redevelopment of existing facilities or general enhancement of shoreline areas.*
    c. *Shoreline development should be managed to ensure no net loss of ecological functions.*

5. *Increase public access to publicly owned areas of the shoreline.*

    a. *Give priority to developing paths and trails to shoreline areas, linear access along the shorelines, especially to the maintenance and enhancement of the Green River Trail, which is a regional recreational and transportation resource.*
    b. *Locate development landward of the ordinary high water mark so that access is enhanced.*

6. *Increase recreational opportunities for the public on the shoreline.*

    a. *Plan for and encourage development of facilities for recreational use of the shoreline.*
    b. *Reserve areas for lodging and related facilities on uplands well away from the shorelines with provisions for nonmotorized access to the shoreline.*

9. Signage

b. Policies

1. *Signs should be designed and placed so that they are compatible with the aesthetic quality of the existing shoreline and adjacent land and water uses.*

2. *Signs should not block or otherwise interfere with visual access to the water or shorelands.*

10. Utilities (Accessory)

b. Policies

1. *Accessory utilities should be properly installed so as to protect the shoreline and water from contamination and degradation to ensure no net loss of ecological functions.*

2. *Accessory utility facilities and rights-of-way should be located outside of the shoreline area to the maximum extent possible. When utility lines require a shoreline location, they should be placed underground.*

3. *Accessory utility facilities should be designed and located in a manner which preserves the natural landscape and shoreline ecological processes and functions and minimizes conflicts with present and planned land uses.*

11. Vegetation Conservation

b. Policies

1. *Vegetation within the City shoreline areas should be enhanced over time to provide a greater level of ecological functions, human safety, and property protection. To this end, shoreline management activities, including the provisions and implementation of this SMP, should be based on a comprehensive approach that considers the ecological functions currently and potentially provided by vegetation on different sections of the shoreline, as described in Chapter 5 of the June 30, 2009 City of Kent Final Shoreline Inventory and Analysis Report.*

2. *This SMP in conjunction with other City development regulations should establish a coordinated and effective set of provisions and programs to protect and restore those functions provided by shoreline vegetation.*

3. *Aquatic weed management should stress prevention first. Where active removal or destruction is necessary, it should be the minimum to allow water-dependent activities to continue, minimize negative impacts to native plant communities, and include appropriate handling or disposal of weed materials.*

4. *The removal of invasive or noxious weeds and replacement with native vegetation should be encouraged. Removal of noxious or invasive weeds should be conducted using the least-impacting method feasible, with a preference for mechanical rather than chemical means.*

12. Water Quality and Quantity

b. Policies

1. *All shoreline uses and activities should be located, designed, constructed, and maintained to avoid significant ecological impacts that alter water quality, quantity, or hydrology.*

2. *The City should require reasonable setbacks, buffers, and storm water storage basins and encourage low-impact development techniques and materials to achieve the objective of lessening negative impacts on water quality.*

3. *All measures for controlling erosion, stream flow rates, or flood waters through the use of stream control works should be located, designed, constructed, and maintained so that net off-site impacts related to water do not degrade the existing water quality and quantity.*

4. *As a general policy, the City should seek to improve water quality, quantity (the amount of water in a given system, with the objective of providing for ecological functions and human use), and flow characteristics in order to protect and restore ecological functions and ecosystem-wide processes of shorelines within Shoreline Management Act jurisdiction. The City should implement this policy through the regulation of development and activities, through the design of new public works, such as roads, drainage, and water treatment facilities, and through coordination with other local, state, and federal water quality regulations and programs. The City should implement the 2002 City of Kent Surface Water Design Manual, as updated and adopted by City ordinance.*

5. *All measures to treat runoff in order to maintain or improve water quality should be conducted on-site before shoreline development creates impacts to water.*

6. *Shoreline use and development should minimize the need for chemical fertilizers, pesticides or other similar chemical treatments to prevent contamination of surface and ground water and/or soils, and adverse effects on shoreline ecological functions and values.*

SHORELINE MODIFICATION POLICIES

Shoreline modifications are structures or actions which permanently change the physical configuration or quality of the shoreline, particularly at the point where land and water meet. Shoreline modification activities include, but are not limited to, structures such as

revetments, bulkheads, levees, breakwaters, docks, and floats. Actions such as clearing, grading, landfilling, and dredging are also considered shoreline modifications.

Generally, shoreline modification activities are undertaken for the following reasons:

1. To prepare a site for a shoreline use
2. To provide shoreline stabilization or shoreline protection
3. To support an upland use

The policies in this section are intended to prevent or mitigate the adverse environmental impacts of proposed shoreline modifications. Policies related to each shoreline modification are found below. The policies are numbered exactly as they are found in the SMP.

1. General Policies and Regulations

b. Policies

1. *Structural shoreline modifications should be allowed only where they are demonstrated to be necessary:*
    a. *To support or protect an allowed primary structure or a legally existing shoreline use that is in danger of loss or substantial damage, or;*
    b. *For reconfiguration of the shoreline to mitigate impacts or enhance the shoreline ecology.*

2. *The adverse effects of shoreline modifications should be reduced, as much as possible, and shoreline modifications should be limited in number and extent.*

3. *Allowed shoreline modifications should be appropriate to the specific type of shoreline and environmental conditions in which they are proposed.*

4. *The City should take steps to assure that shoreline modifications individually and cumulatively do not result in a net loss of ecological functions, as stated in WAC 173-26-231. This is to be achieved by preventing unnecessary shoreline modifications, by giving preference to those types of shoreline modifications that have a lesser impact on ecological functions, and by requiring mitigation of identified impacts resulting from shoreline modifications.*

5. *Where applicable, the City should base decisions on available scientific and technical information and a comprehensive analysis of site-specific conditions provided by the applicant, as stated in WAC 173-26-231.*

6. *Impaired ecological functions should be enhanced where feasible and appropriate while accommodating permitted uses, as stated in WAC 173-26-231. As shoreline modifications occur, the City will incorporate all feasible measures to protect ecological shoreline functions and ecosystem-wide processes.*

7. *In reviewing shoreline permits, the City should require steps to reduce significant ecological impacts according to the mitigation sequence in WAC 173-26-201(2)(e).*

2. Shoreline Stabilization (Including Bulkheads)

b. Policies

1. *Non-structural stabilization measures are preferred over "soft" structural measures. "Soft" structural shoreline stabilization measures are strongly preferred over hard structural shoreline stabilization Proposals for hard and soft structural solutions, including bulkheads, should be allowed only when it is demonstrated that nonstructural methods are not "feasible", as defined in Chapter 6. Hard structural shoreline stabilization measures should be allowed only when it is demonstrated that soft structural measures are not feasible.*

2. *Bulkheads and other structural stabilizations should be located, designed, and constructed primarily to prevent damage to existing development and minimize adverse impacts to ecological functions.*

3. *New development requiring bulkheads and/or similar protection should not be allowed. Shoreline uses should be located in a manner so that bulkheads and other structural stabilization are not likely to become necessary in the future.*

4. *Shoreline modifications individually and cumulatively shall not result in a net loss of ecological functions. This is to be achieved by giving preference to those types of shoreline modifications that have a lesser impact on ecological functions and requiring mitigation of identified impacts resulting from shoreline modifications.*

3. Over-Water Structures – Including Piers and Docks, Floats, Boardwalks and Boating Facilities

b. Policies

1. *Moorage associated with a single-family residence is considered a water-dependent use provided that it is designed and used as a facility to access watercraft.*

2. *New moorage, excluding docks accessory to single family residences, should be permitted only when the applicant/proponent has demonstrated that a specific need exists to support the intended water-dependent or public access use.*

3. *To minimize continued proliferation of individual private moorage, reduce the amount of over-water and in-water structures, and reduce potential long-term impacts associated with those structures, shared moorage facilities are preferred over single-user moorage. New subdivisions of more than two (2) lots and new multifamily development of more than two (2) dwelling units should provide shared moorage.*

4. *Docks, piers, and other water-dependent use developments including those accessory to single family residences, should be sited and designed to avoid adversely impacting shoreline ecological functions or processes, and should mitigate for any unavoidable impacts to ecological functions.*

5. *Moorage and other water-dependent use developments should be spaced and oriented in a manner that minimizes hazards and obstructions to public navigation rights and corollary rights thereto such as, but not limited to, fishing, swimming and pleasure boating.*

6. *Moorage and other water-dependent use developments should be restricted to the minimum size necessary to meet the needs of the proposed use. The length, width and height of over-water structures and other developments regulated by this section should be no greater than that required for safety and practicality for the primary use.*

7. *Moorage and other water-dependent use developments should be constructed of materials that will not adversely affect water quality or aquatic plants and animals in the long term.*

4. Fill

b. Policies

1. *Fills waterward of OHWM should be allowed only when necessary to support allowed water-dependent or public access uses, cleanup and disposal of contaminated sediments, and other water-dependent uses that are consistent with this SMP.*

2. *Shoreline fill should be designed and located so there will be no significant ecological impacts and no alteration of local currents, surface water drainage, channel migration, or flood waters which would result in a hazard to adjacent life, property, and natural resource systems.*

5. Dredging and Disposal

b. Policies

1. *Dredging operations should be planned and conducted to minimize interference with navigation and adverse impacts to other shoreline uses, properties, and values.*

2. *When allowed, dredging and dredge material disposal should be limited to the minimum amount necessary.*

3. *Disposal of dredge material within a channel migration zone shall be discouraged. (Refer to the Channel Migration Zone Map, Figure No. 10.2 in the Inventory and Analysis Report).*

6. Shoreline Restoration and Ecological Enhancement

b. Policies

1. *The City should consider shoreline enhancement as an alternative to structural shoreline stabilization and protection measures where feasible.*

2. *All shoreline enhancement projects should protect the integrity of adjacent natural resources including aquatic habitats and water quality.*

3. *Where possible, shoreline restoration should use maintenance-free or low-maintenance designs.*

4. *The City should pursue the recommendations in the shoreline restoration plan prepared as part of this SMP update. The City should give priority to projects consistent with this plan.*

5. *Shoreline restoration and enhancement should not extend waterward more than necessary to achieve the intended results.*

7. Dikes and Levees

b. Policies

1. *Dikes and levees should be constructed or reconstructed only as part of a comprehensive flood hazard reduction program.*

2. *Environmental enhancement measures should be a part of levee improvements.*

SHORELINE USE POLICIES

The provisions in this section apply to specific common uses and types of development to the extent they occur within shoreline jurisdiction. Policies related to each shoreline use are found below. The policies are numbered exactly as they are found in the SMP.

1. General Policies

b. Policies

1. *The City should give preference to those uses that are consistent with the control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon uses of the state's shoreline areas.*

2. *The City should ensure that all proposed shoreline development will not diminish the public's health, safety, and welfare, as well as the land or its vegetation and wildlife, and should endeavor to protect property rights while implementing the policies of the Shoreline Management Act.*

3. *The City should reduce use conflicts by prohibiting or applying special conditions to those uses which are not consistent with the control of pollution and prevention of damage to the natural environment or are not unique to or dependent upon use of the state's shoreline. In implementing this provision, preference should be given first to water-dependent uses, then to water-related uses and water-enjoyment uses.*

4. *The City should encourage the full use of existing urban areas before expansion of intensive development is allowed.*

2. Agriculture

b. Policies

1. *The creation of new agricultural lands by diking, draining, or filling marshes, channel migration zones, and associated marshes, bogs, and swamps should be prohibited.*

2. *A vegetative buffer should be maintained between agricultural lands and water bodies or wetlands in order to reduce harmful bank erosion and resulting sedimentation, enhance water quality, reduce flood hazard, and maintain habitat for fish and wildlife.*

3. *Animal feeding operations, retention and storage ponds, and feedlot waste and manure storage should be located out of shoreline jurisdiction and*

constructed to prevent contamination of water bodies and degradation of the adjacent shoreline environment.

4. *Appropriate farm management techniques should be utilized to prevent contamination of nearby water bodies and adverse effects on valuable plant, fish, and animal life from fertilizer and pesticide use and application.*

5. *Where ecological functions have been degraded, new development should be conditioned with the requirement for ecological restoration to ensure no net loss of ecological functions.*

   The City's Shoreline Administrator will consult the provisions of this SMP and determine the applicability and extent of ecological restoration. The extent of ecological restoration shall be that which is reasonable given the specific circumstances of an agricultural development.

3. Boating Facilities

b. Policies

1. *Boating facilities should be located, designed, and operated to provide maximum feasible protection and restoration of ecological processes and functions and all forms of aquatic, littoral, or terrestrial life—including animals, fish, shellfish, birds, and plants—and their habitats and migratory routes. To the extent possible, boating facilities should be located in areas of low biological productivity.*

2. *Boating facilities should be located and designed so their structures and operations will be aesthetically compatible with the area visually affected and will not unreasonably impair shoreline views. However, the need to protect and restore ecological functions and to provide for water-dependent uses carries higher priority than protection of views.*

3. *Boat launch facilities should be provided at appropriate public access sites.*

4. *Existing public moorage and launching facilities should be maintained.*

4. Commercial Development

b. Policies

1. *Multi-use commercial projects that include some combination of ecological restoration, public access, open space, and recreation should be encouraged in the High-Intensity Environment consistent with the City's Comprehensive Plan.*

2. *Where possible, commercial developments are encouraged to incorporate Low Impact Development techniques into new and existing projects.*

5. Industry

b. Policies

1. *Ecological restoration should be a condition of all nonwater-oriented industrial development.*

2. *Where possible, industrial developments are encouraged to incorporate Low Impact Development techniques into new and existing projects.*

6. In-Stream Structures

b. Policies

1. *In-stream structures should provide for the protection, preservation, and restoration of ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas. Within the City of Kent, in-stream structures should be allowed only for the purposes of environmental restoration or water quality treatment.*

7. Recreational Development

b. Policies

1. *The coordination of local, state, and federal recreation planning should be encouraged to satisfy recreational needs. Shoreline recreational developments should be consistent with all adopted park, recreation, and open space plans.*

2. *Recreational developments and plans should promote the conservation of the shoreline's natural character, ecological functions, and processes.*

3. *A variety of compatible recreational experiences and activities should be encouraged to satisfy diverse recreational needs.*

4. *Water-dependent recreational uses, such as angling, boating, and swimming, should have priority over water-enjoyment uses, such as picnicking and golf. Water-enjoyment uses should have priority over nonwater-oriented recreational uses, such as field sports.*

5. *Recreation facilities should be integrated and linked with linear systems, such as hiking paths, bicycle paths, easements, and scenic drives.*

6. *Where appropriate, nonintensive recreational uses may be permitted in floodplain areas. Nonintensive recreational uses include those that do not do any of the following:*

    a. *Adversely affect the natural hydrology of aquatic systems.*
    b. *Create any flood hazards.*
    c. *Damage the shoreline environment through modifications such as structural shoreline stabilization or vegetation removal.*

7. *Opportunities to expand the public's ability to enjoy the shoreline in public parks through dining or other water enjoyment activities should be pursued.*

8. Residential Development

b. Policies

1. *Residential development should be prohibited in environmentally sensitive areas including, but not limited to, wetlands, steep slopes, floodways, and buffers.*

2. *The overall density of development, lot coverage, and height of structures should be appropriate to the physical capabilities of the site and consistent with the comprehensive plan.*

3. *Recognizing the single-purpose, irreversible, and space consumptive nature of shoreline residential development, new development should provide adequate setbacks or open space from the water to provide space for community use of the shoreline and the water, to provide space for outdoor recreation, to protect or restore ecological functions and ecosystem-wide processes, to preserve views, to preserve shoreline aesthetic characteristics, to protect the privacy of nearby residences, and to minimize use conflicts.*

4. *Adequate provisions should be made for protection of groundwater supplies, erosion control, stormwater drainage systems, aquatic and wildlife habitat, ecosystem-wide processes, and open space.*

5. *Sewage disposal facilities, as well as water supply facilities, shall be provided in accordance with appropriate state and local health regulations.*

6. *New residences should be designed and located so that shoreline armoring will not be necessary to protect the structure. The creation of new residential lots should not be allowed unless it is demonstrated the lots can be developed without:*

a. *Constructing shoreline stabilization structures (such as bulkheads).*
b. *Causing significant erosion or slope instability.*
c. *Removing existing native vegetation within 20 feet of the shoreline.*

9. Transportation

b. Policies

1. *Circulation system planning on shorelands should include systems for pedestrian, bicycle, and public transportation where appropriate. Circulation planning and projects should support existing and proposed shoreline uses that are consistent with the SMP.*

2. *Trail and bicycle paths should be encouraged along shorelines and should be constructed in a manner compatible with the natural character, resources, and ecology of the shoreline.*

3. *When existing transportation corridors are abandoned, they should be reused for water-dependent use or public access.*

10. Utilities

b. Policies

1. *New utility facilities should be located so as not to require extensive shoreline protection works.*

2. *Utility facilities and corridors should be located so as to protect scenic views, such as views of the Green River from the Green River Trail. Whenever possible, such facilities should be placed underground, or alongside or under bridges.*

3. *Utility facilities and rights-of-way should be designed to preserve the natural landscape and to minimize conflicts with present and planned land uses.*

SHORELINE RESTORATION

Activities that have adverse effects on the ecological functions and values of the shoreline must provide mitigation for those impacts. By law, the proponent of that activity is not required to return the subject shoreline to a condition that is better than the baseline level at the time the activity takes place. How then can the shoreline be improved over time in areas where the baseline condition is severely, or even marginally, degraded?

Section 173-26-201(2)(f) WAC of the Shoreline Master Program Guidelines says: "master programs shall include goals and policies that provide for restoration of such impaired ecological functions. These master program provisions shall identify existing policies and programs that contribute to planned restoration goals and identify any additional policies and programs that local government will implement to achieve its goals. These master program elements regarding restoration should make real and meaningful use of established or funded nonregulatory policies and programs that contribute to restoration of ecological functions, and should appropriately consider the direct or indirect effects of other regulatory or nonregulatory programs under other local, state, and federal laws, as well as any restoration effects that may flow indirectly from shoreline development regulations and mitigation standards."

In total, implementation of the Shoreline Master Program (with mitigation of project-related impacts) in combination with this Restoration Plan (for restoration of lost ecological functions that occurred prior to a specific project) should result in a net improvement in the City of Kent's shoreline environment in the long term.

RESTORATION GOALS AND OBJECTIVES

According to the *Green/Duwamish and Central Puget Sound Watershed (WRIA 9) Near-Term Action Agenda For Salmon Habitat Conservation*, the Green/Duwamish watershed suffers from detrimental conditions for fish and fish habitat due to major engineering changes, land use changes which have resulted in direct and indirect impacts to salmon habitat, and water quality which has declined due to wastewater and industrial discharges, erosion, failing septic systems and the use of pesticides (WRIA 9 Steering Committee 2002). The June 30, 2009 City of Kent *Final Shoreline Inventory and Analysis Report* provides supporting information that validates these claims specifically in the City's shoreline jurisdiction. The *WRIA 9 Near Term Action Agenda* established three high priority watershed goals for salmon conservation and recovery:

- "Protect currently functioning habitat primarily in the Middle Green River watershed and the nearshore areas of Vashon/Maury Island.
- Ensure adequate juvenile salmon survival in the Lower Green River, Elliot Bay/Duwamish, and Nearshore subwatersheds. Meeting this goal involves several types of actions, including protecting currently functioning habitat, restoring degraded habitat, and maintaining or restoring adequate water quality and flows.

- Restore access for salmon (efficient and safe passage for adults and juveniles) to and from the Upper Green River subwatershed."

The following recommended policy for the lower Green River subwatershed, including Kent, is also taken from the *Salmon Habitat Plan: Making our Watershed Fit for a King* (Steering Committee 2005).

- In the Lower Green River, every opportunity should be taken to set back levees and revetments to the maximum extent practicable. Habitat rehabilitation within the Lower Green River corridor should be included in all new developments and re-developments that occur within 200 feet of the river.

The WRIA 9 restoration goals, in combination with the results of the City's *Final Shoreline Inventory and Analysis Report*, the direction of Ecology's *Shoreline Master Program Guidelines*, and the City's commitment to support the *Salmon Habitat Plan: Making our Watershed Fit for a King*, are the foundation for the following goals and objectives of the City of Kent's restoration strategy. Although the *Green/Duwamish and Central Puget Sound Watershed (WRIA 9) Near-Term Action Agenda For Salmon Habitat Conservation* and the *Salmon Habitat Plan: Making our Watershed Fit for a King* are salmon-centered, pursuit of improved performance in ecosystem-wide processes and ecological functions that favors salmon generally captures those processes and functions that benefit all fish and wildlife.

Goal 1: *Maintain, restore or enhance watershed processes, including sediment, water, wood, light and nutrient delivery, movement and loss.*

Goal 2: *Maintain or enhance fish and wildlife habitat during all life stages and maintain functional corridors linking these habitats.*

Goal 3: *Contribute to conservation and recovery of chinook salmon and other anadromous fish, focusing on preserving, protecting and restoring habitat with the intent to recover listed species, including sustainable, genetically diverse, harvestable populations of naturally spawning chinook salmon.*

1. System-Wide Restoration Objectives

a. *Improve the health of shoreline waterbodies by managing the quality and quantity of stormwater runoff, consistent at a minimum with the latest Washington Department of Ecology Stormwater Management Manual for*

Western Washington. Make additional efforts to meet and maintain state and county water quality standards in contributing systems.

b. *Increase quality, width and diversity of native vegetation in protected corridors and shorelines adjacent to stream and lake habitats to provide safe migration pathways for fish and wildlife, food, nest sites, shade, perches, and organic debris. Strive to control non-indigenous plants or weeds that are proven harmful to native vegetation or habitats.*

c. *Continue to work collaboratively with other jurisdictions and stakeholders in WRIA 9 to implement the Salmon Habitat Plan: Making our Watershed Fit for a King.*

d. *Base local actions and future projects, ordinances, and other appropriate local government activities on the best available science presented in the WRIA 9 scientific foundation and habitat management strategy.*

e. *Use the comprehensive list of actions, and other actions consistent with the Plan, as a source of potential site-specific projects and land use and public outreach recommendations.*

f. *Use the start-list to guide priorities for regional funding in the first ten years of Plan implementation, and to implement start-list actions through local capital improvement projects, ordinances, and other activities.*

g. *Seek federal, state, grant and other funding opportunities for various restoration actions and programs independently or with other WRIA 9 jurisdictions and stakeholders.*

h. *Develop a public education plan to inform private property owners in the shoreline area and in the remainder of the City about the effects of land management practices and other unregulated activities (such as vegetation removal, pesticide/herbicide use, car washing) on fish and wildlife habitats.*

i. *Develop a chemical reduction plan which focuses on reducing the application of fertilizers, herbicides, and pesticides near shoreline waterbodies or tributary streams and otherwise emphasizes only their localized use.*

j. *Where feasible, protect, enhance, and restore riparian areas surrounding wetlands where functions have been lost or compromised.*

2. Green River Restoration Objectives

a. *Improve the health of the Green River and its tributary streams by identifying hardened and eroding streambanks, and correcting to the extent feasible with bioengineered stabilization solutions.*

b. *Improve the health of the Green River by removing or setting back flood and erosion control facilities whenever feasible to improve natural shoreline processes. Where levees and revetments cannot be practically removed or set back due to infrastructure considerations, maintain and repair them using design approaches that maximize the use of native vegetation and large woody debris (LWD).*

c. *Improve the health of the Green River and its tributary streams by increasing LWD recruitment potential through plantings of trees, particularly conifers, in the riparian corridors. Where feasible, install LWD to meet short-term needs.*

d. *Improve the health of the Green River by reestablishing and protecting side channel habitat.*

e. *Where feasible, re-establish fish passage to Green River tributary streams.*

3. Lakeshore Restoration Objectives

a. *Decrease the amount and impact of overwater and in-water structures through minimization of structure size and use of innovative materials.*

b. *Participate in lake-wide efforts to reduce populations of non-native aquatic vegetation.*

c. *Where feasible, improve the health of lake shorelines by removing bulkheads and utilizing bioengineering or other soft shoreline stabilization techniques to improve aquatic conditions.*

RESTORATION PRIORITIES

The process of prioritizing actions that are geared toward restoration of the City's shoreline areas involves balancing ecological goals with a variety of site-specific constraints. Briefly restated, the City's environmental protection and restoration goals include 1) protecting watershed processes, 2) protecting fish and wildlife habitat, and 3) contributing to chinook conservation efforts. Constraints that are specific to Kent include a heavily confined and leveed Green River shoreline area, a highly developed shoreline along Lake Meridian with predominantly private ownership, and heavy commercial development along Springbrook Creek. While other areas may already offer fairly good ecological functions (Big Soos Creek, Lake Fenwick, Jenkins Creek, and the GRNRA), they tend to include opportunities to further enhance ecological functions. These goals and constraints were used to develop a hierarchy of restoration actions to rank different types of projects or programs associated with shoreline restoration. Programmatic

actions, like continuing WRIA 9 involvement and conducting outreach programs to local residents, tend to receive relatively high priority opposed to restoration actions involving private landowners. Other factors that influenced the hierarchy are based on scientific recommendations specific to WRIA 9, potential funding sources, and the projected level of public benefit.

Although restoration project/program scheduling is summarized in the previous section (Table 14), the actual order of implementation may not always correspond with the priority level assigned to that project/program. This discrepancy is caused by a variety of obstacles that interfere with efforts to implement projects in the exact order of their perceived priority. Some projects, such as those associated with riparian planting, are *relatively* inexpensive and easy to permit and should be implemented over the short and intermediate term despite the perception of lower priority than projects involving extensive shoreline restoration or large-scale capital improvement projects. Straightforward projects with available funding should be initiated immediately for the worthwhile benefits they provide and to preserve a sense of momentum while permitting, design, site access authorization, and funding for the larger, more complicated, and more expensive projects are under way.

1. Priority 1: Levee Modifications and Floodplain Reconnection

Because of the isolation of the Green River floodplain from the Green River by the levee, floodplain habitats, including off-channel and side channel habitats, are typically described as the most diminished types of salmonid fish habitat relative to the pristine condition. The lack of these habitat types is a limiting factor for chinook salmon recovery. As discussed above, the historic use and prevalence of levees has greatly diminished the habitat value of extended floodplains. Restoration of these areas has been found to be one of the most beneficial of all types of stream and river enhancements. Projects in this category include the WRIA 9 recommended projects listed in Table 11 in Chapter 8 of the SMP:

- Project(s) LG-7 - Lower Mill Creek, Riverview (Formerly Green River) Park, Hawley Road Levee, Lower Mullen Slough, and Lower Mill Creek Restoration Between RM 21.3 and 24 (Both Banks)
- Project LG-9 - Rosso Nursery Off-Channel Rehabilitation and Riparian Restoration Between RM 20.8 and 20 (Left Bank) [being implemented by City as "Lower Green River Property Acquisition" in nearby locations]
- Project LG-10 - Mainstem Maintenance (including the Boeing Levee Setback and Habitat Rehabilitation) Between RM 20.5 and 16.3

- Project LG-13 - Acquisition, Levee Setback, and Habitat Rehabilitation Between RM 15.3 and 14.7 (Right Bank)

2. Priority 2: Continue Water Resource Inventory Area (WRIA) 9 Participation

Of basic importance is the continuation of ongoing, programmatic, basin-wide programs and initiatives such as the WRIA 9 Forum. Continue to work collaboratively with other jurisdictions and stakeholders in WRIA 9 to implement the *2005 Salmon Habitat Plan: Making our Watershed Fit for a King* (Habitat Plan). This process provides an opportunity for the City to keep in touch with its role on a basin-wide scale and to influence habitat conditions beyond its borders, which, in turn, come back to influence water quality and quantity and habitat issues within the City.

3. Priority 3: Improve Water Quality and Reduce Sediment and Pollutant Delivery

Although most of the streams and their basins located within the City are outside of shoreline jurisdiction, their impacts to shoreline areas should not be discounted. Many of these streams have the potential to provide fish and wildlife habitat. They are also a common receiving body for non-point source pollution, which in turn delivers those contaminants to shoreline waterbodies.

Watershed-wide programmatic actions listed in the Habitat Plan include four actions focused on addressing water quality and stormwater controls:

- Program WW-11: Expand/Improve incentives Programs
- Program WW-12: Improve Enforcement of Existing Land Use and Other Regulations
- Program WW-13: Increase Use of Low Impact Development and Porous Concrete
- Program WW-14: Provide Incentives for Developers to Follow Built Green™ Checklist Sections Benefiting Salmon

These recommendations emphasize the use of low impact development techniques, on-site stormwater detention for new and redeveloped projects, and control of point sources that discharge directly into surface waters. They involve protecting and restoring forest cover, riparian buffers, wetlands, and creek mouths

by revising and enforcing Critical Areas Regulations and Shoreline Master Programs, incentives, and flexible development tools.

4. Priority 4: Reconnect Fish Passage to Green River Tributaries

Expanding available fish habitat and rearing opportunities for anadromous fish is a high priority for the City. One of the key mechanisms is to improve fish passage by reconnecting mainstem river habitat to local tributaries.

The City is currently involved with improving fish habitat within the outlet from Lake Meridian (Lake Meridian Outlet Realignment Project). This project involves realigning the lake outflow of Lake Meridian, otherwise known as Cow Creek, through a forested area to improve fish habitat on its way to Big Soos Creek. This project currently is funded through Phase 2 of 3, with Phase 2 expected to begin in 2009.

Recommended projects from the Habitat Plan include:

- Project(s) LG-7 - Lower Mill Creek, Riverview (Formerly Green River) Park, Hawley Road Levee, Lower Mullen Slough, and Lower Mill Creek Restoration Between RM 21.3 and 24 (Both Banks)

5. Priority 5: Public Education and Involvement

Public education and involvement has a high priority in the City. While this is especially important for areas directly affected by residential development (i.e. Lake Meridian) or floodplain and levee management (i.e. Green River), it has already resulted in vast improvements to the GRNRA and Green River projects. Opportunities for restoration outside of residential property are extensive along most shoreline areas in the City. Only Lake Meridian is highly impacted by residential development. Therefore, in order to achieve the goals and objectives set forth in this Chapter 8, "Restoration Plan," most of the restoration projects (except for those on Lake Meridian) would likely occur on public property. Thus, providing education opportunities and involving the public is key to success, and would possibly entail coordinating the development of a long-term Public Education and Outreach Plan to gain public support.

6. Priority 6: Acquisition of Shoreline Property for Preservation, Restoration, or Enhancement Purposes

The City should explore opportunities to protect natural areas or other areas with high ecological value via property acquisition. Mechanisms to purchase property would likely include collaboration with other stakeholder groups including representatives from local government, businesses and the general public in order to develop a prioritized list of actions. Such a coordinated effort is listed as a watershed-wide programmatic action in the Habitat Plan:

- Program WW-15: Develop a Coordinated Acquisition Program for Natural Areas

The Habitat Plan also includes the following specific acquisition project:

- Project LG-13 - Acquisition, Levee Setback, and Habitat Rehabilitation Between RM 15.3 and 14.7 (Right Bank)

7. Priority 7: Improve Riparian Vegetation, Reduce Impervious Coverage

Similar to Priority 3, Section G.3 above, to improve water quality and reduce sediment and pollutant delivery, improved riparian vegetation and reduction in impervious surfaces are emphasized throughout the Habitat Plan. All of the specific projects listed in Table 11 (LG No. 3, 4, 7, 9, 10, and 13) include some form of protecting and improving riparian vegetation. Watershed-wide programmatic actions also described in the Habitat Plan include many references to improving vegetative conditions and reducing impervious surface coverage. Specific reference to planting vegetation is listed in Program WW-5: Promote the Planting of Native Trees.

In addition to the items listed in the Habitat Plan, Section E.2 above lists many areas where improvements to riparian vegetative cover and reductions in impervious surfaces are warranted.

8. Priority 8: Reduce Shoreline and Bank Armoring, Create or Enhance Natural Shoreline and Streambank Conditions

The preponderance of shoreline armoring and its association with impaired habitat conditions, specifically for juvenile chinook salmon, has been identified as one of the key limiting factors along the Green River (Kerwin and Nelson 2000). While it is recognized that levees and revetments cannot practically be removed in all

circumstances, considerations should be made to maintain and repair them using design approaches that incorporate native vegetation and large woody debris. Improvements to levees and revetments are discussed in Priority 1, Section G.1 above.

It is also recognized that reduction in shoreline armoring along lakes is also important (i.e. Lake Meridian and Lake Fenwick). While no specific lake project sites have been identified under this restoration priority, emphasis should be given to future project proposals that involve or have the potential to restore shoreline areas to more natural conditions. The City should explore ways in which to team with local property owners, whether through financial assistance, permit expedition, or guidance, to restore multiple contiguous lots.

9. Priority 9: Reduction of In-water and Over-water Structures

Reduction of in- and over-water cover by piers, docks, and other boat-related structures is one mechanism to improve shoreline ecological functions. While not necessarily prevalent along the Green River, pier and docks are extensive along Lake Meridian with nearly 90 percent of all parcels having a pier or dock. The Washington Department of Fish and Wildlife already regulates the size and materials for in- and over-water structures throughout the State and generally recommends finding ways to reduce both the size and density of these structures. Although no specific project sites to reduce in-water and over-water structures within residential areas are identified here, future project proposals involving reductions in the size and/or quantity of such structures should be emphasized. Such future projects may involve joint-use pier proposals or pier reconstruction and may be provided with an expedited permit process.

10. Priority 10: Reduce Aquatic Invasive Weeds in Lakes

While not specifically listed in the Habitat Plan, reduction of aquatic invasive weeds from the City's lakes is emphasized in Section E.2. All three lakes (Lake Fenwick, Lake Meridian, and Panther Lake) have experienced growth of non-native and often invasive aquatic vegetation. Problem species include Eurasian watermilfoil, Brazilian elodea and water lily. Future mechanisms to control weed growth range from possible substrate blankets (Lake Meridian) to introduction of grass carp (Lake Fenwick). Not only are aquatic weeds a problem for boats and

swimmers, but they also tend to reduce dissolved oxygen to lethal levels for fish, hampering foraging opportunities.

11. Priority 11: City Zoning, Regulatory, and Planning Policies

City policies and development regulations are listed as being of lower priority in this case simply because they have been the subject of a thorough review and have recently been updated accordingly. Notably, the City's Critical Areas Ordinance was recently updated (August 2006) consistent with the Best Available Science for critical areas, including those within the shoreline area.

The City received its final National Pollutant Discharge Elimination System (NPDES) Phase II permit in January 2007 from Department of Ecology. The NPDES Phase II permit is required to include the City's stormwater discharges into regulated lakes and streams. Under the conditions of the permit, the City must protect and improve water quality through public education and outreach, detection and elimination of illicit non-stormwater discharges (e.g., spills, illegal dumping, wastewater), management and regulation of construction site runoff, management and regulation of runoff from new development and redevelopment, and pollution prevention and maintenance for municipal operations.

Watershed-wide programmatic actions listed in the Habitat Plan include three actions focused on regulatory mechanisms to restore ecological functions:

- Program WW-11: Expand/Improve Incentives Programs
- Program WW-12: Improve Enforcement of Existing Land Use and Other Regulations
- Program WW-14: Provide Incentives for Developers to Follow Built Green™ Checklist Sections Benefiting Salmon

EXHIBIT C

REVISIONS TO COMPREHENSIVE PLAN CHAPTER 4 "LAND USE ELEMENT"

GMA (RCW 36.70A.110) and Countywide Planning Policies (LU-2 and LU-7) prohibit urban expansion through annexation into designated rural areas. The 2002/2004 Update reflects the new Potential Annexation Area (PAA) for Kent (see Figure 4.1). Kent city limits and the PAA together form the Planning Area for the City's Land Use Map and for all the elements in the Comprehensive Plan.

Existing Zoning Pattern

The City of Kent has five general categories of zoning districts: agricultural, single-family residential, multi-family residential, commercial, and industrial. Within each of these general categories, there are several zoning districts, which allow varying levels of land uses and bulk and scale of development. Table 4.1 shows the land area of each of these zoning categories and Figure 4.2 shows the distribution of these zoning districts.

In the unincorporated area within the northeastern portion of the Potential Annexation Area (PAA), the predominant land use is single-family residential. Most of the residential land is zoned either R-6 or R-8, which are generally comparable to the City's SR-6 and SR-8 zones. There is one (1) commercial and multi-family residential node in the unincorporated area, located at SE 208th and 108th Avenue SE. The zoning for the unincorporated area was adopted in 1991 as part of the Soos Creek Community Plan, and was amended on November 5, 2001, by Ordinance #14241 as part of King County's process to update their comprehensive plan. The southern portion of Kent's PAA is located adjacent to King County's Lower Green River Agricultural Production District. King County's land use for the area to the west is R-4 (i.e., single-family 4 dwelling units per acre) and to the east is I (industrial) where an existing wrecking yard is located and R-1 where steep slopes dominate the landscape.

Inventory of Critical Areas & Resource Lands

The Growth Management Act requires cities to inventory, designate and protect through development regulations all critical areas and designated resource lands. "Critical areas" are defined as wetlands, aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, and geologic hazard areas. Designated "Resource Lands" within Kent are agricultural in nature and are considered to have long-term commercial significance. The development rights for the Agricultural Resource Lands in Kent were purchased under King County's Agricultural Preservation Program during the 1980's, ensuring they will remain in agricultural land use in perpetuity.

Figure 4.1 *"Potential Annexation Area,"* Figure 4.2 *"Zoning Districts"* and Table 4.1 *"2004 City of Kent Land Use Designations"* were intentionally omitted from this exhibit.

The City already has adopted policies and development regulations to protect critical areas. Because critical areas have a major effect on how land uses are distributed throughout the City and the Potential Annexation Area (PAA), their general location will be described in this section. There are many notable natural features in Kent. Kent is distinguished by the Green River Valley, which runs north to south through the center of the City. To the east and west of the valley are East Hill and West Hill, respectively. One of the most significant natural features is the Green River, which extends through a major portion of the City. The Green River is considered a Shoreline of Statewide Significance and falls under the jurisdiction of the City's Shoreline Master Program (SMP)~~Washington State Shoreline Management Act (SMA)~~, which places restrictions on shoreline development. Lake Meridian located on East Hill, Lake Fenwick, the Green River Natural Resources Area, and within the PAA, Panther Lake are ~~is~~ also ~~a Shoreline of Statewide Significance~~ subject to the SMP with similar restrictions. ~~There are two additional significant water bodies located in Kent city limits: Clark Lake and Lake Fenwick. While~~ Clark Lake is another significant natural resource located within city limits, but ~~and Lake Fenwick~~ due to its smaller size, does not meet the parameters for protection under the Shoreline Master Program.~~, they are significant natural resources. In the PAA, Panther Lake is also a significant natural resource but does not meet the SMA parameters for protection.~~ However, Clark Lake ~~these three (3) smaller lakes~~ will be protected by the Critical Areas Ordinance. Due to the natural drainage patterns of the valley and upland, and the amount of development that has taken place over the past thirty (30) years, there are a significant number of wetlands located in the City of Kent. These wetlands have been inventoried and encompass over 2,414 acres of the planning area. The hydrology of Kent also includes several major creeks, including Mill Creek, Garrison Creek, Springbrook Creek, ~~and~~ Big Soos Creek and its tributaries, and Jenkins Creek, located on the City's water resources area. Big Soos Creek serves as the eastern boundary of the planning area and the City of Kent, and a portion of this creek is provided protection under the SMP~~A~~. Portions of Springbrook Creek and Jenkins Creek are also protected under the SMP. Many of these creeks, wetlands and the Green River corridor are fish and wildlife habitat areas. Two notable habitat sites are publicly owned: The Green River Natural Resources Area (304 acres) and Clark Lake Park (125 acres).

In addition to the water-related natural constraints to development, the other predominant natural feature in Kent is steep slopes. Slopes in excess of 25% are found along both East Hill and West Hill. There also are several ravines that typically are associated with creek beds. These hillsides along East Hill and West Hill provide a natural, wooded border to the more developed Green River Valley area, and they are a distinct part of the City's natural landscape.

Figure 4.3 "Inventoried Wetlands" was intentionally omitted from this exhibit.

Environmentally Critical Areas are shown on Figure 4.3 (i.e. Inventoried Wetlands). These natural features are valued by the community and must be protected as part of the comprehensive planning process. The protection of these areas will constrain development.

Therefore, it is important to note their location and consider their influence on the location and density of future land uses.

Additional constraints are placed on Agricultural Resource Land. When the development rights are purchased from Agricultural Resource Land, covenants dictate uses and some development standards. Because Agricultural Resource Land is protected for farming only, the GMA requires that adjacent property owners who propose development must be notified of the Agricultural Resource Land protected status to ensure there are no conflicts between land uses. Kent's Agricultural Resource Land and the County's Lower Green River Agricultural Production District are illustrated in Figure 4.5.

Analysis of Development Capacity

A final, but critical measure of existing conditions and future development potential is the analysis of development capacity. Development capacity refers to an estimate of the amount of development, which could be accommodated on vacant and redevelopable land in Kent if it were developed. The level of development, which could occur on a particular parcel of land is influenced by the size of the parcel, the zoning district in which the parcel is located, and any environmental constraints that restrict development. Development capacity shows the estimated amount of development, which could be accommodated under existing zoning, considering recent market activity. It serves as a benchmark from which to gauge to what extent current land use and zoning policies can accommodate growth.

In 1991, the City estimated capacity for residential, commercial, and industrial development. The City updated the information in 1993, 1997, and again in 2001. King County estimated capacity for the unincorporated area located within the City's Potential Annexation Area. A detailed explanation of the 1993 and 1997 methodology and assumptions used for estimating capacity can be found in the supporting documents. In brief, vacant land and land deemed appropriate for redevelopment were aggregated for each zoning district. The overall development potential of each zone then was calculated, taking into consideration reductions for critical areas, land which was unlikely to develop or redevelop (such as parks and churches), and right-of-way and other public purpose dedications.

The 2001 methodology to estimate capacity was based on the Buildable Lands Program and

Policy LU-20.1: *Develop parking ratios which take into account existing parking supply, minimums and maximums, land use intensity, and transit and ride-sharing goals.*

Policy LU-20.2: *Incorporate ground-level retail and/or service facilities into any parking structures that are constructed within the downtown Urban Center.*

Policy LU-20.3: *Provide an option for developers to construct the minimum number of parking spaces on-site or pay an in-lieu fee to cover the cost of the City's construction and operation of parking at an off-site location.*

Policy LU-20.4: *Evaluate the parking requirements for all uses within the DC and DCE zones on a case-by-case basis in accordance with the following factors:*

a) the potential of shared parking and transit facilities in proximity to the site;
b) the employee profile of a proposed site, including the number and type of employees and the anticipated shifts;
c) the potential for "capture" trips that will tend to reduce individual site parking requirements due to the aggregation of uses within concentrated areas;
d) the Institute of Transportation Engineers Parking Generation report and other publications which provide parking generation indices; and
e) any studies of similar specific uses conducted either by the City of Kent or the applicant. The City of Kent parking coordinator, with the Planning Manager's concurrence, will prepare a report recommending specific parking requirements.

Policy LU-20.5: *Require reduced allowable parking ratios for development projects that are in close proximity to intermodal transit/commuter rail facilities. A development project may provide up to 50% of the applicable maximum parking standard if the development is located within five hundred (500) feet of a designated intermodal transit/commuter rail facility. Such project may provide up to 75% of the applicable parking standard if the development is located between 500 and 800 feet of an intermodal facility.*

Policy LU-20.6: *Develop bicycle parking standards for remodel and new commercial, office, or industrial development.*

NATURAL RESOURCES GOALS & POLICIES

The natural environment of the Green River Valley, and adjacent hillsides and plateaus, provide a unique and distinctive character to the City of Kent. The major hydrologic feature is the Green River which encompasses a system that consists of associated creeks and

wetlands. Some of the creeks in the Green River system, such as Mill Creek and Garrison Creek, flow through steep ravines into the valley floor. While Big Soos Creek, Springbrook Creek and Meridian Valley Creek flow at lower grades, they also contribute habitat. Significant fish and wildlife habitat areas within this system support local and regional fish and wildlife resources. These include smaller streams and their associated wetlands, and several small lakes, namely Fenwick, Clark and Panther. ~~While these lakes are~~Those waterbodies or portions of waterbodies not regulated by the ~~State Shorelines Act, they~~ Shoreline Master Program are protected through local Critical Areas regulations.

In 2002, the City of Kent began revising Critical Areas regulations as required by the GMA, using best available science standards tailored specifically for Kent. Once complete, the final regulations will guide future development in and near sensitive areas that will protect the ecological functions and values of critical areas from cumulative adverse environmental impacts. Designated critical areas include aquifer recharge areas, frequently flooded areas, geologic hazard areas, wetlands, and fish and wildlife habitat conservation areas. In addition to protecting and preserving critical areas through regulations, a number of other programs work cooperatively to form a systematic approach toward Kent's natural resource policies. These other programs include: stormwater regulation, environmental capital improvement projects, inter-jurisdictional collaborative efforts, and the support of the adjacent King County's Lower Green River Agricultural Production District and the "Agricultural Resource" land within Kent.

As a complement to ~~new~~ Critical Areas regulations, Kent's ~~1999~~ Shoreline Master Program provides for the management and protection of local shoreline resources by planning for reasonable and appropriate uses. The goals, policies, and regulations in the Shoreline Master Program apply to activities in all lands and waters under the jurisdiction of the Shoreline Management Act (Chapter 90.58 RCW). The goals and policies of Kent's Shoreline Master Program are incorporated herein (see Chapter 13 "Shoreline Element" ~~appendices~~).

Kent is home to four watersheds namely Big Soos Creek, Mill Creek/Springbrook, Green River, and Puget Sound Watersheds, each with major creek systems, all with varying degrees of urban development. The Big Soos Creek Watershed is a region of approximately 70 square miles, and within the Kent City limits, includes the Soosette, Lake Meridian, and Meridian Valley Creek subbasins, as depicted in Figure 4.7, as well as areas draining directly to Big Soos Creek located outside Kent's Planning Area. The system has nearly ninety (90) miles of streams flowing into the Green River, and the basin includes many wetlands and lakes. The Soos Creek Basin Plan, adopted by King County in January 1992, recommended a combination of tools for basin management aimed at correcting surface water problems

and providing protection for the basin's water resources. One of the tools recommended was to maintain rural densities, especially in areas of the Soosette Creek subbasin.

Big Soos Creek is a major creek lying within the Green River Basin. The creek meanders in and out of the easterly city limits of Kent and provides a natural open space corridor between the cities of Kent and Covington and between Urban Growth Areas and Rural Areas of unincorporated King County. Big Soos Creek provides significant habitat for fish and wildlife, and it is an area of natural beauty that provides recreational and educational opportunities throughout the region. The Soos Creek Trail, which runs for four (4) miles from Gary Grant Park at SE 208th and 137th Avenue SE to Lake Meridian Park, provides opportunities for walking, bicycling and horseback riding.

The east and west banks of the Green River Valley and other unique natural features such as the Olsen Creek Canyon provide natural opportunities for Urban Separators. The eastern plateau in particular provides a natural separation between the cities of Kent and Covington, and between the urban and rural areas of unincorporated King County.

The Olsen Creek Canyon provides separation between a portion of Kent and Auburn. This separation continues as a result of both natural features and existing land use preservation within the Lower Green River Agricultural Production District of King County. In addition, the wetlands and floodplains of the Northeast Auburn drainage ditch, Mill Creek (Auburn) and Mullen Slough limit development potential. The result is a complete east-west corridor of environmental, visual, recreational, and wildlife benefits.

In 1985, the City of Kent, in conjunction with the establishment of the City stormwater drainage utility, adopted the following water quality goal: "Reduce the environmentally detrimental effects of present and future runoff in order to maintain or improve stream habitat, wetlands, particularly water quality, and protected water-related uses." Beginning in 1986, the City worked with Green River Community College to analyze samples each month from eleven (11) stream locations in Kent for twenty-four (24) water quality parameters. In recent years, the City of Kent has been monitoring water quality. Documentation of water quality conditions within Kent may be found in the 1999 – 2000 Ambient Monitoring "Draft" Final Report. The data collected indicate that water quality problems continue to exist.

To address water quality problems within the City, a number of capital improvement projects have been constructed and are being designed. Non-point source pollution is

Figure 4.6 "Watersheds" was intentionally omitted from this exhibit.

treated at numerous public and private stormwater treatment facilities throughout the City. One example may be found at the 304-acre Green River Natural Resources Area (GRNRA). The GRNRA provides regional treatment of surface water runoff from an 832-acre area on the valley floor, flood control of 100-year flood events in the valley, wildlife habitat, and public education opportunities. Since 1980, Kent has completed several projects to protect the water quality of Lake Fenwick. In 1995, the City installed an aeration system to improve Lake Fenwick's water quality. Water quality monitoring continues for all lakes within the City.

The principal sources of water supply for the City's water system, Clark Springs, Kent Springs, and Armstrong Springs, are located outside Kent city limits, adjacent to the jurisdictions of unincorporated King County and the cities of Black Diamond, Covington and Maple Valley. A Wellhead Protection Plan (Resolution #1563) has been prepared in cooperation with Covington Water District and King County Water District #111. This plan identifies aquifer recharge areas, potential containment sources, and management strategies for protection of aquifers. Today these management strategies are being implemented in cooperation with Covington Water District and King County Water District #111.

Native plants, trees and shrubs are found throughout the City. Preservation and planting of native trees and shrubs, particularly near streams and wetlands on individual properties, in parks, schools, and other public spaces protect and enhance environmental quality for fish and wildlife habitat. Today preservation of open space, fish and wildlife habitat, and other critical areas occurs through the development process using "Sensitive Area Easements".

It is the City of Kent's goal to participate in regional efforts to ensure long-term protection of our salmonid resources to harvestable levels for today and future generations. Successful restoration and maintenance of healthy salmon populations will require time, money, and collaboration with tribal governments, federal, state, and local jurisdictions, as well as private citizens, businesses, and environmental groups.

In March 1999, the National Marine Fisheries Service (NMFS) listed the Chinook salmon as "threatened" under the Endangered Species Act (ESA). In December 1999, the U.S. Fish and Wildlife Service (USFWS) listed the Puget Sound and Coastal Bull trout as threatened under the ESA. In the future, additional salmonid species such as Coho may also be listed under the ESA. In accordance with the ESA, the National Oceanic Atmospheric Administration (NOAA) and the USFWS issued regulations deemed necessary to provide for the conservation of Puget Sound Chinook Salmon and other salmonids. Commonly

referred to as the 4(d) rule, the rule legally establishes the protective measures deemed necessary to conserve the species. Local governments will be required to comply with these protective measures.

In cooperation with federal, state, and tribal governments, and other major stakeholders, local governments in the Puget Sound region have begun to identify early actions and develop long-range strategies for the permanent conservation of the species. These strategies are developed at the Water Resource Inventory Area (WRIA), which include the boundaries of multiple jurisdictions. Kent has interest in two WRIA's: WRIA 9 (the Green/Duwamish Watershed) and WRIA 8 (the Cedar/Sammamish Watershed).

Historically, the commercial agricultural lands in the Green River Valley have added to the City's economic support. Today, the majority of protected agricultural resource lands in the Valley are located south of Kent's municipal limits within King County's Lower Green River Agricultural Production District. There are a few designated "Agricultural Resource" lands within Kent whose development rights have been purchased and protected from conversion to a more intensive land use. Activities within the land use designation "Agricultural Support" (i.e. AG-S) will help sustain the agricultural community by providing land dedicated to the processing and retailing of local agricultural production.

Kent is committed to a multi-faceted approach toward the protection and enhancement of local and regional natural resources. As such, the City will continue to protect natural resources through the promulgation of development standards, enhancement of natural resources through a variety of capital improvement programs, and looking for opportunities to support regional efforts to preserve our resources for future generations.

Goal LU21:
Foster recognition of the significant role played by natural features and systems in determining the overall environmental quality and livability of the community.

> **Policy 21.1:** *Educate City staff, developers, and other citizens on the interaction between natural features and systems, such as wetlands, streams, and geologically hazardous areas, and human activities.*

Goal LU-22:
Coordinate with appropriate individuals and entities to create a long-term, sustainable relationship among local and regional natural resource protection entities, for future growth and economic development, through enhancement of wildlife, fisheries, and recreational

opportunities; protection of cultural resources; protection of water quality in wetlands, aquifers, lakes, streams, and the Green River; provision of open space and screening to reduce impacts of development; protection of environmentally sensitive areas to preserve life, property, water quality and fish and wildlife habitat; and retention of the unique character and sense of place provided by the City's natural features.

Policy LU-22.1: *Provide incentives for environmental protection and compliance with environmental regulations. Foster greater cooperation and education among City staff, developers, and other citizens. Determine the effectiveness of incentives by establishing monitoring programs.*

Policy LU-22.2: *Continue to evaluate programs and regulations to determine their effectiveness in contributing to the conservation and recovery of ESA listed species.*

Policy LU-22.3: *Continue to participate in regional and WRIA planning efforts to support the conservation of listed species.*

Goal LU-23:
Protect and enhance environmentally sensitive areas via the adoption of City regulations and programs which encourage well-designed land use patterns such as clustering and planned unit development. Use such land use patterns to concentrate higher urban land use densities and intensity of uses in specified areas in order to preserve natural features such as large wetlands, streams, geologically hazardous areas, and forests.

Policy LU-23.1: *Create development regulations for clustering single and multifamily residential developments that are constrained by critical areas.*

Policy LU-23.2: *Where practical, allow planned unit developments in single-family neighborhoods.*

Goal LU-24:
Encourage well designed, compact land use patterns to reduce dependency on the automobile, and thereby improve air and water quality and conserve energy resources. Establish mixed-use commercial, office, and residential areas to present convenient opportunities for travel by transit, foot, and bicycle.

Policy LU-24.1: *Incorporate bike lanes in designated roadway designs, ensure that sidewalks and other pedestrian amenities are provided in conjunction with private and public development, and incorporate convenient transit stations in designs for mixed-use development.*

Goal LU-25:
Ensure that the City's environmental policies and regulations comply with state and federal environmental protection regulations regarding air and water quality, hazardous materials,

noise and wildlife and fisheries resources and habitat protection. Demonstrate support for environmental quality in land use plans, capital improvement programs, code enforcement, implementation programs, development regulations, and site plan review to ensure that local land use management is consistent with the City's overall natural resource goals.

Policy LU-25.1: *Protect and enhance environmental quality via maintenance of accurate and up-to-date environmental data, and by City support of environmental management programs, park master programs, and environmental education and incentive programs.*

Policy LU-25.2: *Provide to property owners and prospective property owners general information concerning natural resources, critical areas, and associated regulations. Ensure developers provide site-specific environmental information to identify possible on and off-site constraints and special development procedures.*

Policy LU-25.3: *Indemnify the City from damages resulting from development in naturally constrained areas. To the extent possible or feasible, require that developers provide to the City accurate and valid environmental information.*

Policy LU-25.4: *Continue a periodic storm drainage/environmental inspection program to ensure constant maintenance and upkeep of storm systems and on-going compliance with general environmental processes.*

Policy LU-25.5: *Ensure that decisions regarding fundamental site design are made prior to the initiation of land surface modifications. Grade and fill permits, which do not include site development plans, may be issued by the City where such activities do not disturb sensitive areas, such as wetlands.*

Policy LU-25.6: *Require site restoration if land surface modification violates adopted policy or if development does not ensue within a reasonable period of time.*

Policy LU-25.7: *Adopt a clearing and grading code to protect upland habitat, as well as site designations and special restrictions relevant to Kent's construction standards and detention criteria.*

Policy LU-25.8: *As additional land is annexed to the City, assign zoning designations, which will protect natural resources and environmentally sensitive areas.*

Policy LU-25.9: *Continue to support waste reduction and recycling programs in City facilities, and in the City at large, to meet State and County waste reduction and recycling goals.*

Policy LU-25.10: *Work cooperatively with tribal, federal, state and local jurisdictions, as well as major stakeholders, to conserve and work towards recovery of ESA listed threatened and endangered species.*

Goal LU-26:
Protect and enhance natural resources for multiple benefits, including recreation, fish and wildlife resources and habitat, flood protection, water supply, and open space.

Policy LU-26.1: *Maintain the quantity and quality of wetlands via current land use regulation and review, and increase the quality and quantity of the City's wetlands resource base via incentives and advance planning.*

Policy LU-26.2: *Protect wetlands not as isolated units, but as ecosystems, and essential elements of watersheds. Base protection measures on wetland functions and values, and the effects of on-site and off-site activities.*

Policy LU-26.3: *When jurisdictional boundaries are involved coordinate wetland protection and enhancement plans and actions with adjacent jurisdictions and the Muckleshoot Indian Tribe.*

Policy LU-26.4: *Maintain rivers and streams in their natural state. Rehabilitate degraded channels and banks via public programs and in conjunction with proposed new development.*

Policy LU-26.5: *On a regular basis, evaluate the adequacy of the existing building setback and stream buffer requirements in relation to goals for water resource and fisheries and wildlife resource protection. When necessary, modify the requirements to achieve goals.*

Policy LU-26.6: *Coordinate with King County to produce critical area maps of the Potential Annexation Area which are consistent with the City of Kent Critical Areas Maps.*

Policy LU-26.7: *Protect the quality and quantity of groundwater used for water supply in accordance with the City of Kent Water Quality Program recommendations.*

Policy LU-26.8: *Update the City of Kent Critical Areas Maps as new information about aquifer recharge areas and wellhead protection areas becomes available.*

Policy LU-26.9: *In accordance with GMA regulations, update critical areas development regulations to identify, protect, and preserve wildlife species and areas of local significance.*

Policy LU-26.10: *Protect the habitat of native and migratory wildlife by encouraging open space conservation of beneficial habitat through public capital improvement projects and private development.*

Policy LU-26.11: *Provide incentives for on-going water conservation activities and practices, in accordance with the City of Kent Water System Plan.*

Goal LU-27:
Ensure that uses, densities, and development patterns on lands adjacent to the shorelines of the Green River are compatible with shoreline uses and resource values, and support the goals and policies of the City of Kent's Shoreline Master Program and the Green-Duwamish Watershed Nonpoint Action Plan.

Policy LU-27.1: *Reserve appropriate shoreline areas for water-oriented uses.*

Policy LU-27.2: *Minimize the loss of vegetation as new development occurs. Continue to recognize the value of trees and other vegetation in increasing the livability of Kent.*

Policy LU-27.3: *Promote and support a systematic approach to enhancing the City through carefully planned plantings and ongoing maintenance of street trees, public landscaping, and greenbelts. Require the use of native and low water use vegetation.*

Policy LU-27.4: *Require protection of ecologically valuable vegetation, when possible, during all phases of land use development. In cases where development necessitates the removal of vegetation, require an appropriate amount of native or low water use landscaping to replace trees, shrubs, and ground cover, which were removed during development.*

Policy LU-27.5: *Record and protect established greenbelts to preserve existing natural vegetation in geologically hazardous areas, along stream banks, wetlands, and other habitat areas, and where visual buffers between uses or activities are desirable.*

Goal LU-28:
Regulate development in environmentally critical areas to prevent harm, to protect public health and safety, to preserve remaining critical areas, and enhance degraded critical areas in the City.

Policy LU-28.1: *Encourage enhancement of existing environmental features such as rivers, streams, creeks, and wetlands.*

Policy LU-28.2: *Promote the creation and preservation of natural corridors adjacent to areas such as the Green River, Soos Creek, and other streams and wetlands within the City of Kent for fish and wildlife habitat, open space and passive recreation. Whenever possible, preservation of these lands should link other properties with similar features to create a natural corridor.*

Goal LU-29:
Include provisions in the City's land use regulations to preserve reasonable access to solar energy for all lots in the City where access or potential access exists.

Goal LU-30:
Ensure the conservation and enhancement of productive agricultural land via regulation, acquisition, or other methods.

Policy LU-30.1: *Establish a notification process as specified by the GMA to ensure incompatible land uses adjacent to agricultural lands are aware of adjacent agricultural resource land.*

Goal LU-31:
Establish Urban Separators to protect environmentally sensitive areas, including lakes, streams, wetlands, and geologically unstable areas such as steep slopes, to create open space corridors that provide environmental, visual, recreational and wildlife benefits within and between urban growth areas, and to take advantage of unusual landscape features such as cliffs or bluffs and environmentally unique areas.

Policy LU-31.1: *Establish Urban Separators as low-density areas of no greater than one dwelling unit per acre.*

Policy LU-31.2: *Only allow amendments to the Urban Separator policy at the time coinciding with King County's twenty (20) year review of its 1994 Policy Update of the Comprehensive Plan or by Kent City Council initiation because of pending danger or public safety.*

Policy LU-31.3: *Require subdivisions within or adjacent to Urban Separators to provide open space linkages within or to the Urban Separator.*

Policy LU-31.4: *Establish Urban Separators as links between, and for protection of, sensitive areas, public parks, open spaces or trails, critical aquifer recharge areas, floodplains, high value wetlands, unstable slopes, regionally or locally significant resource areas, fish and wildlife habitat and other unique environmental features.*

Policy LU-31.5: *Coordinate with appropriate South King County agencies, adjacent cities, and unincorporated King County to create a regional approach to Urban Separators.*

Policy LU-31.6: *Link Urban Separators within the City of Kent to those of adjacent cities and unincorporated King County.*

Policy LU-31.7: *Encourage well-designed land use patterns, including clustering of housing units, transfer of development rights, zero lot lines and other techniques to protect and enhance urban separators.*

Policy LU-31.8: *Consider funding options, land trusts, purchase of development rights, and other methods for public acquisition of Urban Separators.*

LAND USE MAP

Along with the Goals and Policies listed above, the Land Use Element also includes the Land Use Map. This map is a vital part of the Land Use Element and the Comprehensive Plan as a whole, because it establishes the framework for amendments to the City's official zoning map. It also establishes the land use and zoning framework to be used as land currently in the Potential Annexation Area is annexed into the City.

DEFINITION OF MAP DESIGNATIONS

There are several different land use designations. They relate to various types of land uses, such as residential, commercial, industrial, and the like. These designations are found on the Land Use Map (Figure 4.8) and are explained below. One needs to bear in mind, however, that there are certain types of land uses that need relative freedom of location and, thus, should not be restricted to certain districts. These types of uses may be allowed via general conditional use permit in many of the listed districts, whether residential, commercial or industrial. The uses include utility, transportation, and communication facilities; schools; public facilities; open space uses such as cemeteries, golf course, and so forth; and retirement homes, convalescent facilities and certain other welfare facilities.

Single-Family Residential (SF)

The Single-family Residential designation allows single-family residential development at varying densities and housing forms (e.g. cottage and cluster). In the city limits, there are four single-family designations: SF-3, SF-04.5, SF-6, and SF-8. These designations allow development of up to 3, 4.5, 6, and 8 dwelling units per acre, respectively. It should be stressed that these designations represent a range of densities, with the designation being the